

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: May et al. ATTY. DOCKET NO.: 112701-029
SERIAL NO.: 09/230,623 GROUP ART UNIT: 1761
FILING DATE: June 14, 1999 EXAMINER: S. Weinstein
TITLE: "MULTI-LAYERED CANNED PET FOOD"

Assistant Commissioner of Patents
Washington, D.C. 20231

RESPONSE

SIR:

Please enter the following Response in the above-identified patent application:

REMARKS

This Response is submitted in response to the Office Action mailed on August 29, 2000. The Office Action rejects Claims 1-10 under 35 U.S.C. § 103 in view of a combination of a number of references. Applicants respectfully submit, for the reasons set forth below, that the rejection is not proper and therefore should be withdrawn.

Claims 1-10 stand rejected under 35 U.S.C. § 103 as being unpatentable over *Ohba* in view of alleged Applicants' admissions, *Poppel* and further in view of *Quaker Oats*, *Hillebrand*, *McMahon*, *QP Corp (Jap '174)*, *QP Corp ('677)*, *Errass*, and *Henkel*. Accordingly, the claims stand rejected as allegedly being obvious in view of the combination of 10 separate references. In view of the sheer number of references, Applicants respectfully submit that the rejection is not proper. Applicants' respectfully submit that when 10 references are necessary to even attempt to construct an obviousness rejection, that this in and of itself, demonstrates that the rejection is not